

R E M A R K S

Editorial changes were made to claim 8.

Claim 9 was amended by incorporating features of claim 8, with some editorial amendments. With respect to amended claim 9 hereinabove, reference is made to Example 1 on pages 9 to 10 of the present specification. No new matter was introduced.

Claims 25 and 27 were amended by changing their dependencies to claims that were not withdrawn. It is respectfully requested that claims 25 and 27 be examined.

New claim 28 is supported by page 10, lines 4 to 7 of the present specification and by Fig. 1.

New claim 29 recites a feature of claim 11, which is the elected species for the resin.

Applicants' present claim 9 is directed to a loose-lay floor tile which comprises a nonskid backing material on a back face of the floor tile, wherein the nonskid backing material is obtained by mechanically foaming a paste sol which comprises a plasticizer, at least one polyvinyl chloride-based resin selected from the group consisting of a polyvinyl chloride, a copolymer of vinyl chloride and vinyl acetate and a mixture of polyvinyl

chloride and polyvinyl acetate, and a foam stabilizer of a hydrophobic type to obtain a foamed material, disposing the foamed material on the back face of the tile and then solidifying the foamed material to form the nonskid backing material.

Claims 9, 11, 14, 16, 20 to 24 and 26 were rejected under 35 USC 103 as being unpatentable (obvious) over the "admitted prior art" (the BACKGROUND ART section on page 1 of the present specification that the Examiner alleged discloses "a conventional loose-lay floor tile has a non-skid mechanically foamed material formed from an acrylic emulsion") in view of USP 3,560,284 to Wisotzky et al. and JP 49-052860 for the reasons set forth in item no. 3 on pages 2 to 3 of the February 22, 2008 Office Action.

The following was stated in the sentence bridging pages 2 to 3 of the February 22, 2008 Office Action:

"For claims 9, 11, 14, 16, 20 and 22, the admitted prior art lacks a disclosure that the nonskid foamed material is a solidified plastisol of a copolymer of vinyl chloride and vinyl acetate, a plasticizer, and a silicone surfactant (hydrophobic foam stabilizer)."

The applicants respectfully disagree with the rejection for the following reasons.

The Abstract of Wisotzky et al. states as follows:

"Tufted rugs and carpeting having a thermoplastic backing, e.g., a closed cell foam backing, are prepared by applying a heat-sensitive plastisol composition to the back of a material composed of tufted yarns in a thermoplastic base fabric, fusing the plastisol composition to bind the base fabric and tufted yarns together, and then laminating the thermoplastic sheet to the plastisol layer using the plastisol layer as the sole source of a sensible heat to melt the thermoplastic sheet and bond it to the plastisol layer."

In column 3, lines 34 to 47 of Wisotzky et al., the following is disclosed:

"Tufted material 10 composed of loops 25 secured to base fabric 26 is coated with heat-sensitive plastisol 12 from reservoir 11. The product is then heated in oven 15 to fuse the plastisol and secure the tufted loops to the base fabric. The coated material then passes under high intensity heat source 16 to impart sufficient sensible heat to the plastisol coating to provide a heat seal to the relatively cool closed-cell foam layer 17 thereby adhering said foam to the plastisol layer as the foam and coated material pass through pressure rolls 18. Optionally, embossing roll 19 is employed with pressure roll 20 to

densify the outer surface 29 of the closed-cell foam and to emboss a pattern 31, such as a waffle-like pattern, on the outer surface of the foam."

In column 4, lines 37 to 41 of Wisotzky et al., the following is further disclosed:

"The thermoplastic sheet is employed to provide strength and lay-flat, particularly if the carpeting is to be cemented to the flooring. Preferably the thermoplastic sheet is a closed-cell foam such as a polyvinylchloride foam or a polyurethane foam."

Considering the disclosure of Wisotzky et al. described above with reference to the figures in Wisotzky et al., it is clear that the plastisol is used to secure the tufted loops to the base fabric and heat seal the plastic sheet 17 (which may be a foam layer) with the tufted loops coated with the plastisol. Wisotzky et al. teach to use a closed-cell foam such as a polyvinylchloride foam or a polyurethane foam as the plastic sheet 17. However, Wisotzky et al. fail to teach or suggest that the plastisol contains a foam stabilizer and is mechanically foamed. In Wisotzky et al., the backing of the carpet is the plastic sheet 17, preferably a polyvinylchloride foam or a polyurethane foam.

Wisotzky et al. do teach or suggest to replace the foamed backing of the prior art with their closed-cell foam backing produced by heat-sealing a sheet of the polyvinylchloride foam or a polyurethane foam with a tufted fabric coated with a plastisol for the purpose of improving the deficiencies of the prior art, Wisotzky et al. do not teach or suggest to replace the prior art foamed backing with a foamed backing produced by mechanically foaming a plastisol comprising a polyvinyl chloride-based resin as recited in applicants' present claim 9.

The following is stated on page 3, lines 13 to 14 of the February 22, 2008 Office Action:

"to modify the non-skid backing of the admitted known loose-lay tile with the foamed plastisol of Wisotzky..."

However, as discussed above, Wisotzky et al. fail to teach or suggest a "foamed plastisol". Further, it is noted that the carpet of Wisotzky et al. may not be defined as a loose-lay floor tile. It appears that Wisotzky et al. have a concept that their rugs and carpet are to be cemented to the flooring (see column 4, lines 37 to 38 of Wisotzky et al.). In contrast thereto, the

loose-lay floor tile of applicants' claims is made of a plastic sheet, which could be of several square feet, and is used by placing the tile on a floor without adhering the tile to flooring.

It is respectfully submitted that one of ordinary skill in the art would not be motivated to improve known loose-lay tile with the plastisol of Wisotzky et al. It is further respectfully submitted that even if the known loose-lay tile is modified with the plastisol of Wisotzky et al., one of ordinary skill in the art would not arrive at applicants' present claims.

JP 49-052860 was cited as a reference which discloses the use of a foam stabilizer of a silicone surfactant for producing a molded foamed article having a skin layer. The use of a silicone surfactant is recited in applicants' claims 22 and 23. However, the applicants consider that the rejection of present claim 9, to which claims 22 and 23 indirectly depend, has been overcome by the arguments set forth above. Furthermore, JP 49-052860 is a quite different field of art from the loose-lay floor backing art. It is respectfully submitted that one of ordinary skill in the art would not be motivated to add a silicone surfactant in

the plastisol of applicants' present claims based on the teaching of JP 49-052860.

Reconsideration is requested. Allowance is solicited.

Enclosed is a Form PTO-2038 in the amount of \$100 for two additional dependent claims.

An INFORMATION DISCLOSURE STATEMENT is being filed concomitantly herewith.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Frishauf, Holtz, Goodman
& Chick, P.C.
220 Fifth Ave., 16th Floor
New York, NY 10001-7708
Tel. No.: (212) 319-4900
Fax No.: (212) 319-5101

Respectfully submitted,



Richard S. Barth
REG. NO. 28,180

E-Mail Address: BARTH@FHGC-LAW.COM
RSB/ddf

Encs.: (1) INFORMATION DISCLOSURE STATEMENT
(2) Form PTO-2038